

Assembly Bill No. 860

CHAPTER 551

An act to amend Section 798.33 of, and to add Section 1360.5 to, the Civil Code, relating to civil law.

[Approved by Governor September 18, 2000. Filed
with Secretary of State September 20, 2000.]

LEGISLATIVE COUNSEL'S DIGEST

AB 860, Thomson. Civil law: pets: mobilehomes: common interest developments.

(1) Existing law, the Mobilehome Residency Law, regulates the rules and regulations that the management of a mobilehome park may impose upon its residents, including those regarding the keeping of pets, as specified. Existing law provides that any rule or regulation prohibiting residents from keeping pets in the mobilehome park shall not apply to guide dogs, signal dogs, or service dogs.

This bill would provide that no lease agreement entered into, modified, or renewed on or after January 1, 2001, shall prohibit a homeowner from keeping at least one pet within the park, subject to reasonable rules and regulations of the park.

(2) Existing law, the Davis-Stirling Common Interest Development Act, requires the declaration of a common interest development recorded on or after January 1, 1986, to contain a legal description of the development and the restrictions on the use or enjoyment of any portion of the development that are intended to be enforceable equitable servitudes. Existing law authorizes the declaration to contain any other matters the original signator of the declaration or the owners consider appropriate. The act also provides that the covenants and restrictions in the declaration of a common interest development shall be enforceable equitable servitudes, unless unreasonable.

This bill would provide, on and after January 1, 2001, that no governing documents of a common interest development entered into, amended, or otherwise modified on or after that date shall prohibit the owner of a separate interest in a condominium project from keeping at least one pet within the development, subject to the reasonable rules and regulations of the association, as specified.

The people of the State of California do enact as follows:

SECTION 1. Section 798.33 of the Civil Code is amended to read:

798.33. (a) No lease agreement entered into, modified, or renewed on or after January 1, 2001, shall prohibit a homeowner from

keeping at least one pet within the park, subject to reasonable rules and regulations of the park. This section may not be construed to affect any other rights provided by law to a homeowner to keep a pet within the park.

(b) A homeowner shall not be charged a fee for keeping a pet in the park unless the management actually provides special facilities or services for pets. If special pet facilities are maintained by the management, the fee charged shall reasonably relate to the cost of maintenance of the facilities or services and the number of pets kept in the park.

(c) For purposes of this section, “pet” means any domesticated bird, cat, dog, aquatic animal kept within an aquarium, or other animal as agreed to between the management and the homeowner.

SEC. 2. Section 1360.5 is added to the Civil Code, to read:

1360.5. (a) No governing documents shall prohibit the owner of a separate interest within a common interest development from keeping at least one pet within the common interest development, subject to reasonable rules and regulations of the association. This section may not be construed to affect any other rights provided by law to an owner of a separate interest to keep a pet within the development.

(b) For purposes of this section, “pet” means any domesticated bird, cat, dog, aquatic animal kept within an aquarium, or other animal as agreed to between the association and the homeowner.

(d) If the association implements a rule or regulation restricting the number of pets an owner may keep, the new rule or regulation shall not apply to prohibit an owner from continuing to keep any pet that the owner currently keeps in his or her separate interest if the pet otherwise conforms with the previous rules or regulations relating to pets.

(e) For the purposes of this section, “governing documents” shall include, but are not limited to, the conditions, covenants, and restrictions of the common interest development, and the bylaws, rules, and regulations of the association.

(f) This section shall become operative on January 1, 2001, and shall only apply to governing documents entered into, amended, or otherwise modified on or after that date.

